

INFORMAL MEMORANDUM

VIA FAX TRANSMISSION

TO Steve Gunderson, CDPHE

FROM John Rampe, DOE/RFFO

Steve

Per our conversations last week, I thought I'd send down to you a summary of where I thought we were on the DPP as far as the issues that still needed to be discussed and resolved. Fred Gerdeman's been talking to Chris Gilbreath regarding Chris's comments, and he's pointed out to me several areas where he thinks they haven't reached agreement, as follows:

- 1) End of building mission/beginning of decommissioning - - In his comments, Chris makes the statement that after a building's mission has ended, and is in a safe and stable configuration, additional activities are considered decommissioning under RFCA. Quite frankly, we disagree that this is what RFCA says, and I believe that this is a definition issue that needs to be addressed in RFCA, not in the DPP. I think I've made it pretty clear over the last several months that what the DPP is trying to do is to practically define when we're required to submit a decision document for building disposition activities, so I'm a little disappointed that this issue is still coming up. In this vein, Chris also asks that the DPP provide a listing of buildings whose mission has ended, again presumably to provide a basis for the assertion that they are now all in the decommissioning phase of their lives. While we don't agree with that latter assertion, I do think that Chris has a point when he asks for information on buildings that no longer have an active mission. What I think would be reasonable here is to provide the regulators with a clear idea of which buildings in a given year have disposition activities planned for them, and to have this reflected in the yearly work scope documents for these buildings. I also think we could provide updates on these kinds of activities through our biweekly D&D project meetings. What I'd like to do here is find a way to get you the information you need to evaluate our ongoing activities, while at the same time avoiding a situation where all activities in a given building are (in our view, arbitrarily) termed decommissioning. I think that the latter situation is not helpful in defining the regulator's role, and leaves us in a situation where at any time our regulators could ask for a decision document without regard to the actual nature of an activity that was taking place in a building "without a mission."
- 2) A better definition of equipment removal - - The DPP now states that equipment removal and disposition are not within the scope of decommissioning. I think CDPHE staff would like a better definition of equipment, to state that fixed equipment removal (stuff attached to the building) is in fact part of decommissioning. I think that's OK, but I'd also like a commitment that we could exempt some fixed equipment (say things that might just be bolted to the floor) from requiring a decommissioning decision document through the consultative process.
- 3) What's an RSOP - - This issue may have been solved between Fred and Chris, and we may or may not need to talk about it. My only concern is that the DPP define RSOP's in such a way that when we finally do write one, we allow ourselves the maximum amount of flexibility to produce a document that's useful at the time, consistent with RFCA's definition.
- 4) Shift in regulatory primacy - - I understand that Chris wanted some additional clarification regarding the transition from DNFSB to CDPHE as the lead regulator during the disposition of Pu buildings. I think the only additional information we can provide would be to lift wording from the DNFSB MOU attached to RFCA, since DNFSB's not a party to the DPP. If there really are issues that need to be further defined and clarified here, then the MOU is the place to do it.

Per J Rampe, this
was faxed to
Steve Gunderson,
CDPHE on 2/19/98.
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Since we're taking one more bite at this apple, there are a couple of things we'd like to fine-tune as well. One is that we'd like to see the DPP talk specifically about decommissioning-like activities that are performed to alter a building for an ongoing mission. That is, we think that removing a glovebox line for the purpose of freeing up space to put in another piece of equipment is not decommissioning, since per the RFCA definition, it isn't done for the purpose of removing the building from service. We'd like the DPP to reflect RFCA on this, and right now it's silent. Another thing that we might want to talk about is how we can most efficiently manage waste streams during the transition from pre-decommissioning to the decommissioning phase. In preparing the 771 DOP, it looks like we've unintentionally set up a pretty confusing mix between process and remediation waste that we'll be asking the people on the floor to deal with. I'd like to see, in consultation with your RCRA people, if and how we can simplify things.

Finally, I want to make sure we're clear on the process of how we determine what type a building is in the DPP, per our conversation last week. I think the steps are: 1) we prepare a Reconnaissance Level Characterization Report based on a sitewide characterization protocol that you've reviewed and agreed to, 2) based on the RLCR, we make a determination as to whether the building in question is Type 1, 2 or 3, and send you this determination, along with the RLCR, in plenty of time to review it before any decommissioning takes place in the building, 3) within some reasonable period of time, you concur or non-concur with our determination, 4) if we disagree, we agree to try and work out our differences using the consultative process, 5) if we still disagree, we rely on RFCA dispute resolution mechanisms and/or your stop work authority.

Anyway, talk with your people about this and see if you think there's anything else out there. I'll get with you to set up a meeting date.

Thanks

JR